

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

NOELLE C. JAMES, individually and as
Attorney in Fact for THEADA MARIE
GIBBINS, an Incapacitated Person,
KENNETH W. GIBBINS, PAMELA
JONES, MERRY ANNE NORDBERG,
and KIM L. BAILEY,
Plaintiffs,
v.
United States of America,
Defendant.

No. 2:15-cv-03186-SAB

**ORDER GRANTING
STIPULATION FOR UNITED
STATES' MOTION TO DISMISS
AND STAYING OTHER
PROCEEDINGS**

The parties have filed a Stipulation for Entry of Order Granting United States' Motion to Dismiss and Stay, ECF No. 10. In accordance with Rule 41(a)(1) and the joint wishes of the parties, the above-captioned case is dismissed without prejudice and without costs and attorneys' fees to any party in regards to Plaintiff Theada Marie Gibbins. The case is hereby stayed in regards to the remaining Plaintiffs until Mrs. Gibbins' Federal Court of Claims case is resolved.

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**ORDER GRANTING STIPULATION FOR UNITED STATES' MOTION
TO DISMISS AND STAYING OTHER PROCEEDINGS ^ 1**

Accordingly, **IT IS HEREBY ORDERED:**

1. The parties' Stipulation for Entry of Order Granting United States' Motion to Dismiss and Stay, ECF No. 10, is **GRANTED**.

2. The United States' Motion to Dismiss, ECF No. 7, is **GRANTED**. Mrs. Gibbins' claim is **dismissed without prejudice**, pending resolution and exhaustion of her case before the Federal Court of Claims under the National Vaccine Injury Compensation Program.

3. The remaining claims for loss of consortium under the Federal Tort Claims Act for Plaintiffs Kenneth W. Gibbins, Noelle C. James, Pamela Jones, Merry Anne Nordberg, and Kim L. Baily are **STAYED** pending the resolution of Mrs. Gibbins' claim through the National Vaccine Injury Compensation Program.

4. The Plaintiffs shall notify this Court if and when Mrs. Gibbins' claim through the National Vaccine Injury Compensation Program has been exhausted or resolved. Plaintiffs' counsel will move to lift the stay, and separately move to add Mrs. Gibbins as a named party to the renewed case, if this Court has jurisdiction at that point under the Vaccine Act, 42 U.S.C. § 300aa-1 *et seq.*

5. Any pending motions are **dismissed as moot**.

6. All trial dates and deadlines are **stricken**.

IT IS SO ORDERED. The District Court Executive is hereby directed to file this Order and provide copies to counsel.

Dated this 12th day of April, 2016.



A handwritten signature in blue ink, reading "Stanley A. Bastian", is written over a horizontal line.

Stanley A. Bastian
United States District Judge